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DEPARTMENT FOR EUR/SE

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SUBJECT: AT PM'S URGING, STATE DROPS CASE AGAINST HUMAN RIGHTS GROUP

Classified by Polcouns John Kunstadter; reasons 1.4 b and d.

11. (U) Prosecutors failed to attend the March 9 hearing of a case against the leadership of the Human Rights Foundation (HRF), apparently in line with a high-level GOT decision to allow the case to be closed.

12. (U) HRF operates five torture treatment centers in Turkey and serves as a clearinghouse for human rights-related information. The General Directorate of Foundations asked Ankara prosecutors in November 2003 to open the case against HRF on a number of charges, including: translating HRF reports into English and distributing them to international organizations without permission; soliciting donations on the Internet; and encouraging protesters to engage in hunger strikes by providing treatment to ill strikers. If convicted, the HRF Executive Board members would be forced to resign. However, the case will be closed if prosecutors take no action in the next three months.

13. (C) It is normally unheard of for State prosecutors to miss a hearing, but this absence came as no surprise. Yavuz Onen, HRF president, told us March 8 that Mehmet Elkatmis, chairman of the parliamentary Human Rights Committee, had advised him that the prosecutors would not attend. Elkatmis said he was present when PM Erdogan instructed State Minister Sahin, who oversees the General Directorate of Foundations, to drop the case. Elkatmis told Onen prosecutors will allow the case to be closed. He said German PM Schroeder raised concerns about the case during his February 23-24 visit to Turkey, prompting Erdogan's actions.

Comment

14. (C) This is a classic harassment case, complete with petty charges that, even if true, should not constitute a crime in a democratic country. Prosecutors and other elements of the bureaucracy believe it is their duty to haul "suspect" groups like HRF into court, whether or not they have the evidence to win a conviction. This attitude explains the recent directive issued by the Turkish Ground Forces Command asking subgovernors to gather information on people engaged in "separatist and subversive" activities, including: supporters of the U.S. and EU; freemasons; artists; minorities; wealthy families; Satanists; members of sects; Internet groups; Klu Klux Klan, etc. (one of our contacts quipped that the only two groups not listed are "Russophiles and lonely hearts."). It is unfortunate that these types of trials continue in spite of the recent legal reforms, and that the only way to stop them is to bring outside pressure to bear on a case-by-case basis.

EDELMAN